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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,276	02/10/2004	Masashi Tatsukawa	02008.148001	1229

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OSHA LIANG L.L.P.  
1221 MCKINNEY STREET  
SUITE 2800  
HOUSTON, TX 77010

EXAMINER

TSIDULKO, MARK

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/775,276

Applicant(s)

TATSUKAWA ET AL. 

Examiner

Mark Tsidulko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>111005, 112205, 1205</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The submission of amendment filed on 11/22/2005 is acknowledged. At this point claim 1 has been amended and the remaining claims left unchanged. Thus, claims 1-4 are at issue in the instant application.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh (US 5,032,960).

Katoh discloses (Figs.5, 9B) a light source including a plurality of LEDs [32] aligned along a predetermined straight line and an optical component [46] operable to irradiate light emitted from the LEDs toward the emitting direction.

Katoh discloses the optical component (lens) [46] having a focus on the center line of the array of the LEDs, but does not disclose a focus on the line aligned with one side of the array of the LEDs.

It is understood, that the lens having a focus on the center of the light source allows to obtain parallel rays, but lens having a focus dislocated to the side of the light source allows to

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obtain an asymmetrical beam of light illuminated certain area, what can be used for high beam of the headlamp of the vehicle.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the lens of Katoh having a focus on the line aligned with one side of the array of the LEDs in order to obtain the asymmetrical light beam to illuminate certain area.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh (US 5,032,960) in view of Matsumoto et al. (US 5,170,220).

Referring to Claim 2 Katoh discloses a light source including a plurality of LEDs and an optical component (lens), but does not disclose a headlamp including this light source and the lens forming a cut line defining a boundary between a bright and a dark regions in a light distribution pattern.

It will be readily understood by those skilled in the art that the light source of Katoh can be used in any desired lighting device including a vehicle headlamp.

Matsumoto et al. disclose (Figs1, 3) a vehicle headlamp, an optical component of which forms a cut line defining a boundary between the bright and dark regions in a light distribution pattern (col.1, lines 25-29) for regulating the optical axes of headlights so that a light intensity boundary of the beam lies within a predetermine range.

Referring to Claims 3, 4 Katoh discloses a plurality of LEDs fixedly attached to the PCB, which after inserting into grooves [38a] and [38b] forms locking engagement with a locking member [25].

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the light source of Katoh and the optical component of Matsumoto et al. in order to obtain a headlight with determining and controlling a proper direction of the light irradiation.

### ***Response to Arguments***

Applicant's arguments filed 11/22/2005 have been fully considered but they are not persuasive.

Applicant argues that Katoh does not disclose a projector-type vehicular headlamp.

In response to applicant's arguments, the recitation “*a projector-type vehicular headlamp*” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Also, Applicant did not provide any establishment of criticality for the location the focus of the optical component on the line aligned with the sides of the light sources.

Applicant argues that Katoh's lens irradiates light such that the light is converged to a focus on a point, but not on a straight line.

In response, Katoh absolutely clearly (Figs.5 , 9B) shows, that the lens has a focal line, which at the same time is a center line of the array of the LEDs.

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Applicant argues that Katoh and Matsumoto can not be combined, because the device of Katoh can not be used for the vehicle headlamp.

Examiner does not see any reason do not use the lighting device of Katoh for the vehicle headlamp.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.  
January 24, 2006



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800